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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,048	02/17/2004	Christopher Q. Reid	036606	9676

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EXAMINER

HANEY, RICHALE LEE

ART UNIT PAPER NUMBER

3765

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,048

Applicant(s)

REID, CHRISTOPHER Q.

Examiner

Richale L. Haney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment of 4//42006 has been received. Claims 1, 18, and 20 have been amended. No claims were cancelled. Claims 1 – 20 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 – 3, 5 – 9, 13 – 15 and 17 – 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Netti (US 4,330,120). The hand device of Netti shows a flexible base (12,13,14) with two elongate straps connected by hook and loop fastener (Figure 2, 37, 42, 43) to secure the base to the user's extremity and a first storage pocket secured on the outer surface of the base located on the back of the users hand (Figure 1, 21) including a means for expanding in vertical direction away from the base (Figure 1) with a flap and hook and loop fastener attached to the storage pocket as closure means (Figure 1, 23, 2). A second storage pocket is mounted on the outside surface of the base at a location opposite the first storage pocket on the palm of th wearer's hand (Column 2, 20) with means to expand away from the base (Figure 1, 20) and comprises constraining means for retaining an item within the storage pocket

(Column 3, lines 43 –48); The weight is retained by a fabric cover). Additionally, the fingers of the wearer are exposed so as to provide greater tactility (Fig. 1, 17).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Netti. The device of Netti discloses a means of securing a glove to a users extremity by hook and loop tape closure. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the closure by substituting a zipper in place of hook and loop tape because they are equivalent closure means.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Netti in view of Sanzone et al. (US 4,462,116). Netti discloses all of the claimed invention except for a storage pocket that extends around the periphery of the base. The device of Sanzone et al. discloses a pocket that extends around periphery of the base (Figure 8, 12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Netti by extending the pocket around the periphery of the base as taught by Sanzone et al. in order to maximize the area in which object can be stored.

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5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Netti in view of Phillips, Jr. et al. (US 4,742,580). The device of Netti discloses all of the claimed invention except for an elastic panel incorporated into the second storage pocket.

Phillips, Jr. et al. discloses a glove that utilizes an elastic panel in a storage pocket (Figure 6, 79, 81 and Column 6, lines 12 – 15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Netti by incorporating an elastic panel into the pocket as taught by Phillips, Jr. et al. in order to increase ability to expand and contract back to the original shape.

6. Claims 11, 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Netti and Sanzone et al. as applied to claim 10 above, and further in view of Lefkowitz et al. (US 3,883,897). The modified device of Netti discloses all of the claimed invention except for having a storage pocket adapted to accept weight, to accept a drinking bladder and have an opening in which the stored fluid can be removed. The device of Lefkowitz et al. shows a glove with a storage pocket (Figure 3, 23) adapted for accepting a fluid of weight, which inherently would accept water, and an opening for removing the fluid (Figure 3, 26 or Figure 4, 27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the device of Netti and Sanzone et al. by incorporating a fluid reservoir in which fluid can be held and removed in order to increase the weight resistance of the glove and to provide cooling means to user.

R sponse to Arguments

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7. Applicant's arguments with respect to claims 1 – 20 have been considered but are moot in view of the new ground(s) of rejection. It is noted by the examiner that the feature of having the fingers exposed, is well known in the art, and is not a patentably distinct feature.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richale L. Haney whose telephone number is 571-272-8689. The examiner can normally be reached on M-F 8:00 - 4:30.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on 571 -272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richale L. Haney
Patent Examiner
Art Unit 3765
May 29, 2006

RLH


JOHN J. CALVERT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3765